

STATE OF TENNESSEE

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ANDY D. BENNETT
CHIEF DEPUTY ATTORNEY GENERAL

LUCY HONEY HAYNES
ASSOCIATE CHIEF DEPUTY
ATTORNEY GENERAL

PAUL G. SUMMERS
ATTORNEY GENERAL AND REPORTER

MAILING ADDRESS

P.O. BOX 20207
NASHVILLE, TN 37202

MICHAEL E. MOORE
SOLICITOR GENERAL

CORDELL HULL AND JOHN SEVIER
STATE OFFICE BUILDINGS

TELEPHONE 615-741-3491
FACSIMILE 615-741-2009

Reply to:

Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

July 8, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: DISCOVERY REQUEST TO NASHVILLE GAS COMPANY
BY THE CONSUMER ADVOCATE AND PROTECTION DIVISION
OF THE OFFICE OF THE ATTORNEY GENERAL IN RE:
APPLICATION OF NASHVILLE GAS COMPANY, A DIVISION OF
PIEDMONT NATURAL GAS COMPANY, INC., FOR AN
ADJUSTMENT OF ITS RATES AND CHARGES, THE APPROVAL OF
REVISED TARIFFS AND APPROVAL OF REVISED SERVICE
REGULATIONS, DOCKET NO. 03-00313**

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Discovery Request to Nashville Gas Company. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-8733. Thank you.

Sincerely,

Joe Shirley
Assistant Attorney General

Enclosures

cc: All Parties of Record

#66649

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**APPLICATION OF NASHVILLE GAS
COMPANY, A DIVISION OF PIEDMONT
NATURAL GAS COMPANY, INC., FOR
AN ADJUSTMENT OF ITS RATES AND
CHARGES, THE APPROVAL OF
REVISED TARIFFS AND APPROVAL OF
REVISED SERVICE REGULATIONS**

DOCKET NO. 03-00313

**DISCOVERY REQUEST TO NASHVILLE GAS COMPANY
BY THE CONSUMER ADVOCATE AND PROTECTION DIVISION
OF THE OFFICE OF THE ATTORNEY GENERAL**

To: Nashville Gas Company
c/o R. Dale Grimes, Esq.
Bass, Berry & Sims, PLC
2700 First American Center
Nashville, Tennessee 37238-2700

c/o James H. Jeffries IV, Esq.
Nelson, Mullins, Riley & Scarborough, L.L.P.
Bank of America Corporate Center, Suite 2400
100 North Tryon Street
Charlotte, North Carolina 28202-4000

These Interrogatories are hereby served upon Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc. ("Nashville Gas", "Piedmont" or "Company"), pursuant to Rules 26, 33 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg 1220-1-2-.11. We request that full and complete responses be provided, under oath, pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the

Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Timothy Phillips and Joe Shirley, by July 22, 2003.

PRELIMINARY MATTERS AND DEFINITIONS

Each Interrogatory and Request to Produce calls for all knowledge, information and material available to Nashville Gas, as a party, whether it be Nashville Gas', in particular, or knowledge, information or material possessed or available to Nashville Gas' attorney or other representative.

These Interrogatories and Requests to Produce are to be considered continuing in nature, and are to be supplemented from time to time as information is received by Nashville Gas which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Attorney General requests that Nashville Gas supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

For purposes of these Interrogatories and Requests to Produce, the term "you" shall mean and include: Nashville Gas Company, Piedmont Natural Gas Company, Inc. and all employees, agents and representatives thereof.

The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served, all responses must include the company's response. Moreover, the company's designated person for

responding must assure that the company provides complete answers. *A complete answer must provide a response which includes all matters known or reasonably available to the company.*

The term "identity" and "identify" as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms that mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms that mean to provide the date of the document, the nature of the document, and the title (if any) of the document.

The term "document" as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, photograph, tape recording, computer disk or record, or other data compilation in any form without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If any such document or thing was, but no longer is, in your possession or control, state what disposition was made of it and when.

If you produce documents in response to these Interrogatories, produce the original of each document or, in the alternative, identify the location of the original document. If the "original" document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and
- (d) a brief description of the communication sufficient to allow the Court to rule on a motion to compel.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the

procedure and the person instructing that the information be excluded.

If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. To assist you in providing full and complete discovery, the Attorney General provides the following definitional guidelines.

The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

The term “communication” means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

FIRST DISCOVERY REQUEST INTERROGATORIES AND REQUESTS TO PRODUCE

DISCOVERY REQUEST NO. 1:

Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- (a) Identify the field in which the witness is to be offered as an expert;
- (b) Provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which

the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;

- (c) Provide the grounds (including without limitation any factual basis) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion;
- (d) Identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- (e) Identify for each such expert any person whom the expert consulted or otherwise had communication in connection with his expected testimony;
- (f) Identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony, and opinions as well as the compensation to be paid for the testimony and opinions;
- (g) Identify all documents or things shown to, delivered to, received from, relied upon, or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions; and
- (h) Identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

DISCOVERY REQUEST NO. 2:

Please produce copies of any and all documents referred to or relied upon in responding to the Attorney General's discovery requests.

DISCOVERY REQUEST NO. 3:

Please provide all material provided to, reviewed by or produced by any expert or

consultant retained by Nashville Gas to testify or to provide information from which another expert will testify concerning this case.

DISCOVERY REQUEST NO. 4:

Please produce all work papers of any of Nashville Gas' proposed experts, including but not limited to file notes, chart notes, tests, test results, interview and/or consult notes and all other file documentation that any of Nashville Gas' expert witnesses in any way used, created, generated or consulted by any of Nashville Gas' expert witnesses in connection with the evaluation, conclusions and opinion in this matter.

DISCOVERY REQUEST NO. 5:

Please produce a copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of Nashville Gas' proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in this matter.

DISCOVERY REQUEST NO. 6:

Please produce a copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of Nashville Gas' proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in this matter.

DISCOVERY REQUEST NO. 7:

Please produce a copy of all articles, journals, books or speeches written by or co-written by any of Nashville Gas' expert witnesses, whether published or not.

DISCOVERY REQUEST NO. 8:

In response to, "Filing Guidelines For Rate Cases" question 28, Nashville Gas provided a series of General Areas of customer service expectations; i.e., Customer Service, Service

Department, Meter Services, Construction.

- (a) Please provide the measurement data for each of the items referenced in your response by month, by year since 1998.
- (b) Additionally, have any additions/reductions in employment levels in these areas had an effect on service quality? Please detail the effects indicated.

DISCOVERY REQUEST NO. 9:

Please provide a narrative of policies and procedures preventing meter reading and billing errors. Please provide workpapers supporting adjustments to revenues, expenses and rate base in this docket to correct any previous errors.

DISCOVERY REQUEST NO. 10 :

Please detail a narrative explaining your "interruptible rate policy". Please include the dates on which interruptible customers had service interrupted for the last three winters, and whether all interruptible customers were interrupted on each of those days. If all customers were not interrupted, provide detailed analysis of how the priorities were determined and assigned for each interruption date.

DISCOVERY REQUEST NO. 11:

Please provide the meter read dates for each cycle in December 2001 and December 2002.

DISCOVERY REQUEST NO. 12:

For "Filing Guidelines For Rate Cases" question 41, please provide the calculations supporting the "comparative analysis of heating costs for a typical residential customer using current electric and gas rates." Please provide analyses and supporting calculations using the gas rate which would be billed assuming currently anticipated demand and transportation costs and a

gas commodity rate of: a) \$3.00 per Dth, b) \$4.00 per Dth, and c) \$6.00 per Dth. You may also substitute projected electric rates (if known) for 2004.

DISCOVERY REQUEST NO. 13:

In the responses to question 25, on page 25 of 185, please give a more detailed breakdown of the expenses for account numbers 93010, "Membership Dues and Fees" in the amount of \$102,399.00; 93020, "Directors Fees and Expenses" in the amount of \$184,919.00; and 93030, "Stockholders Expenses" in the amount of \$108,128.00.

DISCOVERY REQUEST NO. 14:

Please provide copies of property tax bills for Tennessee jurisdictions for the most recent three years.

DISCOVERY REQUEST NO. 15:

Question Number 27 asked for a listing of outside professional services. Please provide detail for the following:

- (a) ACS Outsourcing Solutions - \$3,028,757.88 (account 92330, page 1, A/P Transactions, fiscal 2001);
- (b) Headstrong - \$167,333.40 (account 92330, page 1, A/P Transactions, fiscal 2001);
- (c) John H. Maxheim - \$209,441.26 (account 92330, page 1, A/P Transactions, fiscal 2001);
- (d) Williams, Roberts, Young Inc. - \$347,993.39 (account 92330, page 2, A/P Transactions, fiscal 2001);
- (e) John H. Maxheim - \$200,152.78 (account 92330, page 2, A/P Transactions, fiscal 2002);
- (f) Keane, Inc. - \$97,050.00 (account 92330, page 2, A/P Transactions, fiscal 2002); and

- (g) Sungard Recovery Services, Inc. - \$107,572.00 (account 92330, page 2, A/P Transactions, fiscal 2002).

DISCOVERY REQUEST NO. 16:

In question 14d, the company responds that it has plans to expand its operations in North Carolina by purchasing North Carolina Natural Gas Corporation and by purchasing an interest in Eastern North Carolina Natural Gas Company. The company goes on to state that since both companies operate solely in North Carolina, that the acquisitions will not have an immediate effect on Piedmont's operations in Tennessee. However, since many of the expenses reported by the Tennessee operation are allocations from Piedmont's offices in North Carolina, please explain how the expansion will NOT have an effect on Nashville Gas. Current expense allocations to the Tennessee operations are 23.96%. It would appear that a larger company would allow those allocations to decrease in Tennessee. Explain why this would not happen.

DISCOVERY REQUEST NO. 17:

For each Senior Note and Medium Term Note shown on Dr. Murray's schedule DAM-2, answer the following questions or provide the requested information:

- (a) Provide a copy of the prospectus or shelf registration statement which announced the Company's intent to offer the note.
- (b) Provide a copy of any supplement to the prospectus or shelf registration statement, in which the supplement announced the Company's intent to offer the note.
- (c) Is the note secured or unsecured?
- (d) If the note is rated by Moody's, S&P, Fitch or any other rating agency, provide the rating.
- (e) List any covenant governing the note, where the covenant requires the Company to comply with or achieve a certain financial performance, such

as maintaining a TIER ratio, an equity ratio, a current ratio, a bond rating, credit rating or any other measure of financial performance measure.

- (f) Does the Company have right to call the note for early redemption before the note's maturity date?
- (g) If the Company has the right to repay or recall the note before the maturity date, provide the terms and conditions which govern the recall and provide the redemption price or amounts the noteholder is due if the Company recalls the note.
- (h) Does the noteholder have right to put or call the note before the note's maturity date?
- (i) If the noteholder has the right to call the note, provide the terms and conditions which govern the recall and provide the amounts the noteholder is due if the noteholder recalls the note.
- (j) Is the note listed on any securities exchange? If the note is listed, provide the exchange name and the trading symbols of the note.
- (k) If the note is not listed on any securities exchange, identify any other established trading market allowing the note to be traded or remarketed.
- (l) Is the note's interest rate a fixed rate or a floating rate?
- (m) If the note's interest payments are based on a floating rate, provide the interest rate formula for interest payments, including the index used for the floating rate.
- (n) If any individual note, or if all the notes as a taken as whole, have been the basis for any interest rate swaps by the Company or interest rate swaps by the Company's related parties, provide a record of each interest rate swap, including the parties to the interest rate swap

DISCOVERY REQUEST NO. 18:

If the Company has retired, redeemed, or recalled any notes after January 1, 2003 but which are shown in Schedule DAM-2, indicate which note was retired.

DISCOVERY REQUEST NO. 19:

If the Company has issued any notes after January 1, 2003 but which are NOT shown in Schedule DAM-2, provide the note's amount, the maturity date, interest rate, indicate if the rate is fixed or floating and if the note is secured or unsecured.

DISCOVERY REQUEST NO. 20:

If the Company has publicly announced its intention to issue new debt securities or new equity, provide the expected amounts of the new issues and the expected interest rate for the debt securities.

- (a) If in the attrition year the company acquires new debt with a cost less than the current long term debt cost of 7.72%, as shown in Schedule DAM-2, will the Company flow any interest rate savings to ratepayers?

DISCOVERY REQUEST NO. 21:

Provide a copy of any analysis performed by Piedmont, or its agents or any party acting on Piedmont's behalf, regarding Piedmont's acquisition of North Carolina Natural Gas (NCNG) where the analysis compared the costs and benefits of acquisition by paying cash to NCNG's stockholders versus the costs and benefits of giving the NCNG's stockholders a prorata share of stock in Piedmont.

- (a) Provide a copy of any analysis performed by Piedmont, or its agents or any party acting on Piedmont's behalf, regarding Piedmont's acquisition of North Carolina Natural Gas (NCNG) where the analysis compared Piedmont's costs and benefits of acquiring NCNG to the costs and benefits of not acquiring NCNG.
- (b) Provide a copy of any analysis performed by Piedmont, or its agents or any party acting on Piedmont's behalf, regarding Piedmont's acquisition of North Carolina Natural Gas (NCNG) where the analysis compared Piedmont's stock price before and after the acquisition of NCNG.
- (c) Provide a copy of any correspondence, such as email or letter,

between the Company and Dr. Murry, where Piedmont's acquisition of NCNG was discussed.

- (d) Provide a copy of any correspondence, such as email or letter, between the Company and Dr. Murry, where Piedmont's dividend payout ratio (dividends as a percent of earnings) was discussed.
- (e) Provide a copy of any analysis performed by Piedmont, or on its behalf, where the raising the dividend payout ratio was discussed.
- (f) Provide a copy of any Minutes of Piedmont's Board where the Board discussed raising the Company's dividend payout ratio.
- (g) Explain why the Piedmont's Board raised the Company's dividend payout ratio from 71 percent in 2000 to 84% in 2002.

DISCOVERY REQUEST NO. 22:

Identify in Piedmont's attrition year data any direct, indirect, overhead expenses or accruals caused by Piedmont's effort to acquire NCNG.

DISCOVERY REQUEST NO. 23:

Explain or describe any procedures Piedmont is taking or will take to prevent acquisition expenses caused by the NCNG from being passed on to ratepayers in Tennessee.

DISCOVERY REQUEST NO. 24:

Regarding the Demand & Supply Schedule shown in 14g of the Company's filing, provide the portion of "Total Demand" allocated to each customer class and list the allocation factors applied to each customer class.

DISCOVERY REQUEST NO. 25:

Explain how the allocation factors were derived, and provide a description of any

statistical sampling procedures used to develop the allocation factors. Indicate the number of sampling meters for each customer class, the length of time taken to develop the statistical sample, frequency with which the sampling meters are read and any tests of statistical significance.

DISCOVERY REQUEST NO. 26:

In its form 10Q filed January 31, 2000, Piedmont stated that it earned "greater margin on capacity release transactions." In its form 10K-405 filed January 25, 2001, Piedmont said it had "increases in capacity release transactions." For the years 2000, 2001, and 2002, and for each capacity release transactions engaged in by the Company or on its behalf by the Company's agents, provide the dollar value of each transaction, the amount of capacity released, and the margin made on the release.

DISCOVERY REQUEST NO. 27:

How many capacity release transactions does the Company expect it, or its agents acting on the Company's behalf, to engage in during the attrition year?

DISCOVERY REQUEST NO. 28:

Has any capacity release transaction from 2000 through 2002 occurred within or under the auspices of the Performance Incentive Plan approved the Tennessee Regulatory Authority and made effective July 1, 1996?

DISCOVERY REQUEST NO. 29:

Will the Greenbrier Pipeline make capacity releases on behalf of Piedmont, once the pipeline is operational?

- a) Has Piedmont or its agents ceased releasing capacity, and does Piedmont

and its agents intend to cease releasing capacity?

DISCOVERY REQUEST NO. 30:

On a computer disk in a format readable in Microsoft Excel or in an easily readable paper copy, provide copies of the data sources referenced in Schedules DAM-4 through DAM-13. With regard to the IBBOTSON ASSOCIATES 2003 YEARBOOK: Valuation Edition, referenced in Schedules DAM-15 and DAM-16, provide copies of the pages showing "Market Total Returns" and the "Adjusted Risk Premium," and provide copies of any tables in the Ibbotson publication that are the ultimate source of "Market Total Returns" and "Adjusted Risk Premium." Also provide copies of the "Value Line" source pages which show the beta used in DAM-15 and DAM-16.

DISCOVERY REQUEST NO. 31:

For one company shown in DAM-15 and DAM-16, show the calculations that lead to the cost of equity and tie that calculation to the formula shown on page 14, lines 9-14, of Dr. Murry's testimony.

DISCOVERY REQUEST NO. 32:

For each month of the 12 month period ending December 31, 2002, provide for each customer class the number of estimated bills rendered and the number of bills issued.

DISCOVERY REQUEST NO. 33:

For each year ending December 31, 1997 through 2002, provide for each customer class the number of estimated bills rendered and the number of bills issued.

DISCOVERY REQUEST NO. 34:

Provide copies of all minutes of all meetings of the Board of Directors for Nashville Gas

Company and/or Piedmont Natural Gas Company, Inc. recorded from November 1, 1999 through June 30, 2003.

DISCOVERY REQUEST NO. 35:

Identify the company's amortization period for the early payment of the "issues redeemed before maturity" shown in Schedule DAM-2.

DISCOVERY REQUEST NO. 36:

Please provide the impact of all non-recurring transactions or events that have an effect on Nashville Gas' expenses, revenues, or rate base from January 1, 2001 through December 31, 2002.

DISCOVERY REQUEST NO. 37:

Regarding the figure of 309,687 for "Total Demand" shown in the Demand & Supply Schedule shown in 14g of the Company's filing, provide the actual "Total Demand" for 2000, 2001, and 2002 and identify each customer class's portion of that actual demand.

DISCOVERY REQUEST NO. 38:

In October 2002 Piedmont announced its intention to acquire North Carolina Natural Gas. In item 15d of its rate-case filing the Company states, "Piedmont believes that the transactions will ultimately be approved [and] will result in short- term adverse effect [but]...long-term positive effect." According to Piedmont's recent filing of June 27, 2003 with the Securities and Exchange Commission: "On June 25, we were notified that Moody's Investment Service had lowered its debt ratings of the Company's senior unsecured debt from 'A2' to 'A3' in each case with a negative outlook...Moody's stated that this rating action assumes that Piedmont's acquisition of NCNG is approved...and that the Company successfully executes its \$200 million

equity financing and \$250 debt financing...”

- (a) Explain what adverse effects the company anticipated and explain how the Company planned to compensate for or offset the adverse effects.

DISCOVERY REQUEST NO. 39:

In Docket 99-00994, Piedmont entered into the record the direct testimony of Dr. Murry, who testified at page 7 lines 19-22 regarding his selection of comparable companies:

“Q. What criteria did you use to select comparative companies in your analysis?

A. ...The company cannot have any involvement currently in a merger that is obviously influencing the value of its security prices.”

- (a) In Docket 03-00313, Dr. Murry’s direct testimony regarding the selection of comparable companies appears at page 7 lines 18-23 though page 8 line 2 but makes no reference to “a merger that is obviously influencing the value of its security prices.”
- (b) Explain why Dr. Murry’s criteria to determine comparable companies in the Docket 03-00313 no longer includes the condition which he used to require: “The company cannot have any involvement currently in a merger that is obviously influencing the value of its security prices.”

DISCOVERY REQUEST NO. 40:

Provide copies of any filing, other than Docket 03-00118, where the Company has notified or otherwise informed the TRA of the Company's intent to acquire NCNG.

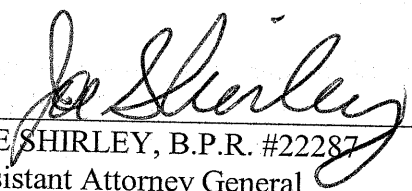
DISCOVERY REQUEST NO. 41:

If the Company proceeds with its publicly stated intent to issue \$200 million equity financing and \$250 debt financing, will the Company seek the TRA's approval to issue the new debt or the new equity?

DISCOVERY REQUEST NO. 42:

Provide a copy of all documents and/or any other material in the possession of the company or its agents, including consultants, where the company or its agents discuss or consider events affecting the cost of service for Nashville Gas including, but not limited to, management restructuring, changes of information systems, outsourcing of service, negotiations of contracts, etc.

RESPECTFULLY SUBMITTED,



JOE SHIRLEY, B.P.R. #22287
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-2590

Dated: July 8, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded by first-class U.S. mail, postage prepaid, on this 8th day of July, 2003, to the following:

R. Dales Grimes
Bass, Berry & Sims, PLC
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-3001

James H. Jeffries IV
Nelson, Mullins, Riley & Scarborough, L.L.P.
Bank of America Corporate Center, Suite 2400
100 North Tryon Street
Charlotte, North Carolina 28202-4000



JOE SHIRLEY
Assistant Attorney General

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